

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Status of the Claims

Claims 1-4 are pending. Claims 1 and 4 are amended.

Claim 1 is amended to further clarify that the “detection result is a brightness of bright points based on image data of an anterior ocular segment at a time of alignment.” Support for this amendment can be found throughout the application as originally filed including, for example, page 14, lines 11-17.

Claim 4 is amended to more clearly recite a “non-contact tonometer according to claim 1, wherein said intraocular pressure measurement light receiving means performs additional measurement of the intraocular pressure when the output of said reliability determination means is of high reliability.” Support for this amendment can be found throughout the application as originally filed including, for example, page 15, lines 12-17.

No new matter is introduced by these amendments. Entry is respectfully requested.

Claim Rejections

Rejection Under 35 U.S.C. §101

Claim 4 was rejected under 35 U.S.C. § 101 because the claimed invention has been directed to non-statutory subject matter. [10/12/06 Office Action at p. 3]. Applicant has amended claim 4 to overcome this rejection, and respectfully submits that the claim rejection be withdrawn as being overcome or otherwise rendered moot.

Rejection Under 35 U.S.C. §112

Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. [10/12/06 Office Action at p. 3]. As stated above, Applicant has amended claim 4, and respectfully submits that the claim rejection be withdrawn as being overcome or otherwise rendered moot.

Rejection Under 35 U.S.C. §102

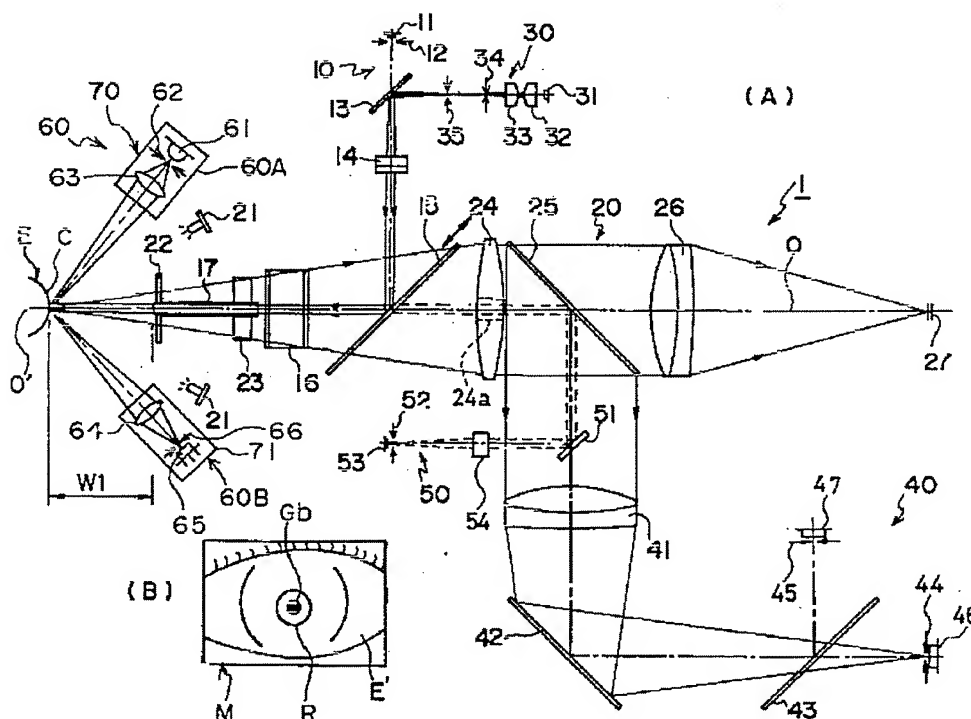
Claim 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. JP 2002-172090 A2 to Minemoto et al. ("Minemoto"). [10/12/06 Office Action at p. 4-5].

Applicant's independent claim 1 recites:

1. A non-contact tonometer comprising:
 - an alignment light source for projecting a light flux for alignment to a cornea of an eye to be examined;
 - alignment detection means for receiving reflection light of said light flux for alignment from the eye to be examined to detect an alignment state of the eye to be examined;
 - pressurizing means for blowing a fluid onto the cornea of the eye to be examined to deform the cornea;
 - an intraocular pressure measurement light source for projecting a light flux for measurement to the eye to be examined;
 - intraocular pressure measurement light receiving means for detecting a reflected light quantity of said light flux for measurement from the cornea of the eye to be examined;
 - deformation detection means for detecting a predetermined output value from said intraocular pressure measurement light receiving means to detect certain deformation of the cornea; and
 - reliability determination means for comparing an output of said intraocular pressure measurement light receiving means and a reference value to determine reliability;
 - wherein said reference value is changed in accordance with a detection result of said alignment detection means, and said

detection result is a brightness of bright points based on image data of an anterior ocular segment at a time of alignment.

Minemoto is directed to a non-contact type ophthalmotonometer which can automatically change the operating distance regardless of operator's skill when the eyelid or eyelash of the subject eye exists on the optical path of a light-intercepting optical system. The office action contends that Minemoto's ophthalmotonometer corresponds to the "non-contact tonometer" recited in Applicant's claim 1 and makes reference elements in Minemoto's Figure 1 (reproduced below):



Review of Minemoto's English Language Abstract and Figure 1 shows that Minemoto does not teach or suggest that a predetermined threshold value, i.e. reference value, is changed in accordance with a detection result of the alignment detection means, as is recited in Applicant's claim 1. That is, while Minemoto's the calculation control circuit 102 controls the

pulse motor to change the operating distance, i.e. move the apparatus body, the Office Action does not point to any teaching or suggestion that the “reference value is changed in accordance with a detection result of said alignment detection means, and said detection result is a brightness of bright points based on image data of an anterior ocular segment at a time of alignment” as recited in Applicant’s claim 1.

Accordingly, Applicant’s independent claim 1 is patentably distinct from Minemoto. For at least similar reasons, dependent claims 2-4 are believed to be patentably distinct from Minemoto.

Dependent Claims

Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant respectfully requests that the foregoing objections be withdrawn as being overcome or otherwise rendered moot.

Appl. No. 10/690,075
Paper dated January 12, 2007
Reply to Office Action dated October 12, 2006

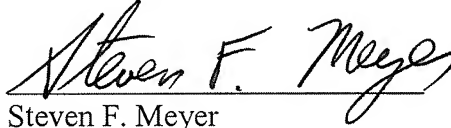
CONCLUSION

For at least the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5178.

Respectfully submitted,
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